

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC**

Application of

**ASL Airlines Belgium**

for renewal of an exemption

pursuant to 49 U.S.C. § 40109

(U.S.-EU charter passenger service)

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) Docket DOT-OST-2012-0121  
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**APPLICATION OF ASL AIRLINES BELGIUM  
FOR RENEWAL OF AN EXEMPTION**

Communications with respect to this document should be addressed to:

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October, 26<sup>th</sup> 2021

**NOTE: Any person may support or oppose this Application by filing an answer and serving a copy of the answer on counsel for ASL Airlines Belgium and all persons listed on the attached service list. Answers are due on or before July 7, 2019.**

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Docket DOT-OST-2012-0121

DATED: October 26<sup>th</sup> 2021

**APPLICATION OF ASL Airlines Belgium.  
FOR RENEWAL OF AN EXEMPTION**

Pursuant to 49 U.S.C. § 40109, ASL Airlines Belgium ("ASLB") hereby  
applies to renew the exemption authorizing ASLB to engage in:

- 1) foreign charter air transportation of persons and property from any point or points behind any Member State(s) of the European Union, via any point or points in any Member State(s) and via intermediate points, to any point or points in the United States and beyond;
- 2) foreign charter air transportation of persons and property between any point or points in the United States and any point or points in any member of the European Common Aviation Area;
- 3) other charter foreign air transportation pursuant to the prior approval requirements set forth in 14 C.F.R. Part 212 of the Department's Economic regulations; and 4) transportation authorized by any additional route rights that may be made available to European Community carriers in the future.

In support of its application, ASLB respectfully states as follows:

- 1) ASLB is a licensed air carrier of Belgium that is engaged in providing all-cargo and express services, as well as charter passenger services, within Europe and to destinations outside of Europe. ASLB holds a Foreign Air Carrier Permit issued by the Department authorizing it to engage in scheduled and charter all-cargo foreign air transportation as permitted under the U.S.-EU Air Transport Agreement<sup>1</sup>. ASLB also holds the exemption authority at issue in this application allowing it to operate U.S.-EU passenger charter service.<sup>2</sup>
- 2) ASLB requests renewal of its exemption authority allowing it to engage in: 1) foreign charter air transportation of persons and property from any point or points behind any Member State(s) of the European Union, via any point or points in any Member State(s) and via intermediate points, to any point or points in the United States and beyond; 2) foreign charter air transportation of persons and property between any point or points in the United States and any point or points in any member of the European Common Aviation Area; 3) other charter foreign air transportation pursuant to the prior approval requirements set forth in 14 C.F.R. Part 212 of the Department's Economic regulations; and 4) transportation authorized by any additional route rights that may be made available to European Community carriers in the future. ASLB requests that the Department renew its exemption for U.S.-EU passenger charter service for an additional two-year period consistent with DOT precedent<sup>3</sup>.
- 3) Renewal of ASLB's exemption authority is fully consistent with the U.S.-EU Air Transport Agreement, as amended<sup>4</sup>. The U.S.-EU open skies agreement provides broad traffic rights to both U.S. and EU air carriers, including for passenger charter service.
- 4) The approval of ASLB's exemption renewal application is in the public interest, as it will continue to allow ASLB to provide charter air travel services that benefit consumers.
- 5) ASLB hereby invokes and relies upon the provisions of Section 558(c) of the Administrative Procedure Act (5 U.S.C. § 558(c)), as implemented by Part 377 of the Department's Special Regulations, to continue in effect its existing authority pending final action on this application, which is timely filed under 14 C.F.R. § 377.10(c).

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<sup>1</sup> Application of ASL Airlines Belgium for a Foreign Air Carrier Permit, Order 2009-3-6 dated January 5, 2009 (Docket DOT-OST-2004-18639).

<sup>2</sup> Application of ASL Airlines Belgium. for an Exemption, Notice of Action Taken dated July 25, 2012 (Docket DOT-OST-2012-0121).

<sup>3</sup> See Application of Les Investissements Nolinor Inc. d/b/a Nolinor Aviation for Renewal of Exemption Authority, Notice of Action Taken dated May 12, 2014 (Docket DOT-OST-2000-8082); Application of Canadian North Inc. for Renewal of an Exemption, Notice of Action Taken dated April 10, 2014 (Docket DOT-OST-2003-15060); Application of Turkish Airlines for Renewal of Exemption, Notice of Action Taken dated March 31, 2014 (Docket DOT-OST-2005-21183).

<sup>4</sup> Air Transport Agreement Between the Government of the United States of America and the Member States of the European Union and the European Community, April 30, 2007, as amended

WHEREFORE, ASLB requests that the Department renew ASLB's exemption authorizing ASLB to engage in:

- 1) foreign charter air transportation of persons and property from any point or points behind any Member State(s) of the European Union, via any point or points in any Member State(s) and via intermediate points, to any point or points in the United States and beyond;
- 2) foreign charter air transportation of persons and property between any point or points in the United States and any point or points in any member of the European Common Aviation Area;
- 3) other charter foreign air transportation pursuant to the prior approval requirements set forth in 14 C.F.R. Part 212 of the Department's Economic regulations; and
- 4) transportation authorized by any additional route rights that may be made available to European Community carriers in the future.

Respectfully submitted,



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Dated: October 26<sup>th</sup>, 2021

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing  
Application of ASL Airlines Belgium for Renewal of an Exemption by electronic mail  
upon the following:

American Airlines	Robert Wirick <a href="mailto:Robert.wirick@aa.com">Robert.wirick@aa.com</a>
Delta Air Lines	Chris Walker 1275 K Street, N.S., Suite 200 Washington, DC 2005 <a href="mailto:Chris.walker@delta.com">Chris.walker@delta.com</a>
United	Wilmer, Cutler & pickering 2445 M Street, N.W. Washington, DC 20037 <a href="mailto:Dan.weiss@united.com">Dan.weiss@united.com</a>
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DATED: October 26<sup>th</sup>, 2021